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FACSIMILE TRANSMISSION

DATE: April 29, 2005

TO: EXAMINER (JACKIE) TAN-UYEN T. HO

FACSIMILE NO.: 703-872-9306

FROM: John G. Posa

PAGES TRANSMITTED (INCLUDING COVER SHEET): 6

ORIGINAL DOCUMENTS WILL ____ / WILL NOT X FOLLOW BY MAIL

RE: Serial No. 09/638,241

MESSAGE:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE APR 29 2005

In re application of: Ferree

Serial No.: 09/638,241

Group No.: 3731

Filed: August 14, 2000

Examiner: (Jackie) Tan-Uyen T. Ho

For: METHODS AND APPARATUS FOR TREATING DISC HERNIATION AND
PREVENTING THE EXTRUSION OF INTERBODY BONE GRAFT

**FACSIMILE TRANSMITTAL OF PREVIOUSLY
SUBMITTED RESPONSE TO OFFICE ACTION**

Mail Stop Fee AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to a telephonic request by Examiner (Jackie) Tan-Uyen T. Ho on April 29, 2005, Applicant hereby submits via facsimile a true copy of its response to the final Office Action for the subject application. This response was mailed on March 23, 2005 (received March 28, 2005, see return postcard) and included a payment of one-month (small entity) extension fee of \$60. A copy of the check is attached.

Applicant respectfully requests consideration of its March 23, 2005 response prior to the maximum extension deadline of May 23, 2005.

Respectfully submitted,

By: 

John G. Posa, Reg. No. 37,424
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, PC
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Troy, MI 48009
(734) 913-9300 FAX (734) 913-6007

Date: April 29, 2005

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
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ANN ARBOR, MI 48104

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DATE March 23, 2005

PAY TO THE ORDER OF Commissioner for Patents

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FOR BAF-11802/29 EXT

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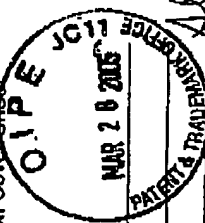
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PATENT

The received stamp of the U.S. Patent and Trademark Office
imprinted hereon acknowledges the filing of:

- ☒ Transmittal Letter
- ☐ New Patent Application
- ☐ IDS, PTO 1448 & Patents
- ☐ Pages(s) Specification
- ☐ Page(s) Abstract
- ☐ Amendment/Response
- ☐ Declaration & Power of Attorney
- ☐ Assignment & Recordation Cover Sheet
- ☒ Check \$ 60
- ☐ Sheets of Drawings
- ☐ Application Data Sheet
- ☐ Other:



Inventor: Feyrce

Serial/Pat. No.: 09/1638241

Date: 3/23/05

☒ Cert. of Mailing

Docket No.: BAF-11802/29

Due Date: 3/23/05

☐ Express Mail

APR 29 2005

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.
BAF-11802/29

In Re Application Of: Ferree

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
20/638,241	08/14/2000	Tan-Uyen T. Ho	25006	3731	9686

Invention: **METHODS AND APPARATUS FOR TREATING DISC HERNIATION AND PREVENTING
THE EXTRUSION OF INTERBODY****COMMISSIONER FOR PATENTS:**

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of November 23, 2004 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months
from: February 23, 2005

Date

until: March 23, 2005

Date

Applicant claims small entity status. See 37 CFR 1.27.

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	22 -	22 -	0	x \$25.00	\$0.00
INDEP CLAIMS	2 -	3 -	0	x \$100.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$60.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$60.00

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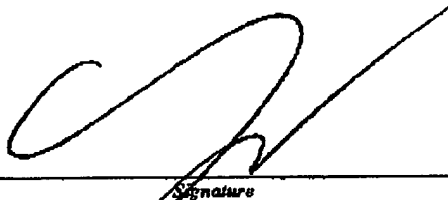
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**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.
BAF-11802/29

The fee for the amendment and extension of time is to be paid as follows:

- ☒ A check in the amount of **\$60.00** for the amendment and extension of time is enclosed.
- ☐ Please charge Deposit Account No. **07-1180** in the amount of
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **07-1180**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **07-1180**
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



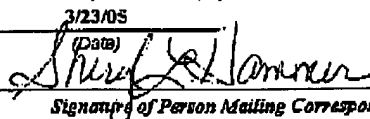
John G. Posa
Reg. No. 37,424
Gifford, Krass, Groh et al
PO Box 7021
Troy, MI 48007-7021
Tel. 734/913-9300

Dated: March 23, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

3/23/05

(Date)



Signature of Person Mailing Correspondence

Sheryl L. Hammer

Typed or Printed Name of Person Mailing Correspondence

cc:

FORM 11 REV 05